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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

JESUS LIBERIO ESTRADA,

Defendant and Appellant.

B258483

(Los Angeles County
Super. Ct. No. VA133751)

APPEAL from a judgment of the Superior Court of Los Angeles County.

John A. Torribio, Judge. Affirmed.

Susan L. Ferguson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

An information, filed on March 5, 2014, charged Jesus Liberio Estrada with two counts of assault with a deadly weapon (Pen. Code, § 245, subd. (a)(1)).¹ The information specially alleged that Estrada had a prior serious or violent felony conviction for robbery (§ 211) that qualified as a strike under the “Three Strikes” law (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)) and that subjected him to a sentence enhancement pursuant to section 667, subdivision (a)(1). It also specially alleged that Estrada had served two prior prison terms within the meaning of section 667.5, subdivision (b). The jury found Estrada guilty on the first count of assault with a deadly weapon but not guilty on the other. Estrada admitted the special allegations relating to his prior conviction for robbery. The trial court sentenced Estrada to a state prison term of 13 years, consisting of the upper term of four years for assault with a deadly weapon, doubled pursuant to the Three Strikes law, plus five years under section 667, subdivision (a)(1). The court struck one of the two prison priors and imposed but stayed the other. Estrada timely appealed.

We appointed counsel to represent Estrada in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) On April 8, 2015, we sent a letter to Estrada and to counsel. In the letter, we directed counsel to immediately send the record on this appeal and a copy of the *Wende* brief to Estrada and informed Estrada that he had 30 days to submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We did not receive a response from him.

We have reviewed the entire record on appeal. Substantial evidence shows that Estrada used a beer bottle to strike the victim in count 1 on his head and thus supports Estrada’s conviction for assault with a deadly weapon. (*People v. Johnson* (1980) 26 Cal.3d 557, 578 [substantial evidence is that which is “reasonable, credible, and of solid value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt”].) We are satisfied that Estrada’s counsel has fully complied with her

¹ Statutory references are to the Penal Code.

responsibilities and that no arguable appellate issue exists. (*People v. Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

DISPOSITION

The judgment is affirmed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

BENDIX, J.*

* Judge of the Los Angeles Superior Court, Assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.